

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Brookings School District
Accountability Review - Monitoring Report 2011-2012**

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Dates of On Site Visit: September 28th, and 29th, 2011

Date of Report: October 21, 2011

All non-compliance must be corrected within 1 year of this report date. Date Closed:

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:22:03. Certified child. A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

ARSD 24:05:25:01. Evaluation, consent, eligibility, and placement procedures required. Each school district shall establish and implement procedures which meet the requirements of this chapter, including nondiscriminatory practices, parental consent, initial evaluation, evaluation procedures, eligibility procedures, placement procedures, and reevaluation.

Corrective Action:

Prong 1: Correct each individual case of noncompliance

Evaluation data to support eligibility category and/or services provided was not consistently available if the student record.

Student:	Required Action:	Data To Be Submitted:
Student File #1: This student was reevaluated in February of 2011. The student's eligibility category was changed from Emotionally Disturbed (505) to Autism (560). An Asperger Syndrome Diagnostic Scale (ASDS) was administered however there was no evidence of an Autism evaluation conducted.	Student File #1: 1) Initiate a review of existing data 2) Determine the students potential category(s) of disability 3) Initiate prior notice/consent if additional evaluations are needed 4) IEP team to meet and review evaluation results and determine eligibility under appropriate disability category 5) Complete the MDT/Eligibility document	Student File #1: Submit a copy of prior notice/consent, evaluation reports, meeting notice, MDT/Eligibility document and IEP as applicable.

	6) Amend the IEP if appropriate.	
Student File #15: This student was reported on child count under the category of multiple disabilities (530). The two categories resulting in this decision were specific learning disability/written expression (525) and orthopedic impairment (535). There was no evidence of an orthopedic/medical or motor evaluation supporting eligibility for the orthopedic category. Skill based assessment was not available for the students written expression needs.	Student File #15 1) Initiate a review of existing data 2) Determine the students potential category(s) of disability 3) Initiate prior notice/consent if additional evaluations are needed 4) IEP team to meet and review evaluation results and determine eligibility under appropriate disability category 5) Complete the MDT/Eligibility document 6) Amend the IEP if appropriate.	Student File #15 : Submit a copy of prior notice/consent, evaluation reports, meeting notice, MDT/Eligibility document and IEP as applicable.
Student File #16: This student was report on child count under the category of multiple disabilities (530). The eligibility document did not indicate which categories resulted in the team's decision to place this student in the category.	Student File #16: The IEP team must meet and revise the student's eligibility document to include the data required to support the categories of disability resulting in the 530 category team decision.	Student File #16: Submit a copy of the revised eligibility document.
Student File #19: This student was reported on child count under the category of Vision Loss (540). Following the most recent reevaluation the student's category of disability was changed to Specific Learning Disability/math (525). There was no skill based assessment in math.	Student File #19: The district must initiate prior notice/consent to conduct skill based assessment in the area of math, develop a report to include strengths and needs, and hold an IEP meeting to amend the IEP present levels and annual goal.	Student File #19: Submit a copy of the prior notice/consent, skill based assessment report, meeting notice and amended IEP.
Student File #24: This student was reported on child count under the category of Speech/Language (550). There was no evidence of skill based assessment for the eligible area of articulation resulting in only a single evaluation procedure.	Student File #24: The district must initiate prior notice/consent to conduct skill based assessment in the area of articulation, develop a report to include strengths and needs, and hold an IEP meeting to amend the IEP present levels.	Student File #24: Submit a copy of the prior notice/consent, skill based assessment report, meeting notice and amended IEP.
Timeline for Completion: December 1, 2011		

2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:30:05. Content of notice. The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

Corrective Action:

Prong 1: Correct each individual case of noncompliance Parent consent was received to evaluate specific areas of evaluation. All areas of evaluation on the prior notice were not consistently administered. Evaluations were administered in areas that were not included on the parental prior notice/consent. Prior notice for meetings was not consistently documented.		
Student:	Required Action:	Data To Be Submitted:
Student File #9: Prior notice for IEP meeting was not sent.	Individual correction on noncompliance cannot be corrected. Refer to Prong 2.	
Student File #10: Reevaluation notice contained stated vision, assistive technology and orientation/mobility evaluation were to be conducted. There was no evidence these areas were assessed or that the parent/district agreed there was no need to conduct these evaluations. A language evaluation was conducted without parent consent. An articulation evaluation was to be administered and was not.	Student File #10: Hold an IEP meeting to determine if the evaluations are necessary to determine continued eligibility. If necessary, complete a prior notice/consent to conduct the additional evaluations or pull forward previous evaluation data. Write reports if applicable and meet to amend IEP.	Student File #10: Copies of all documentation supporting the IEP team's decision and amendments.
Student File #11: Consent was received to conduct an evaluation in the area of articulation. This area was not assessed.	Student File #11: Hold an IEP meeting to determine if the evaluations are necessary to determine continued eligibility. If necessary, complete a prior notice/consent to conduct the additional evaluations or pull forward previous evaluation data. Write reports if applicable and meet to amend IEP.	Student File #11: Copies of all documentation supporting the IEP team's decision and amendments.
Student File #13: A hearing evaluation was conducted without parent consent.	Individual correction on noncompliance cannot be corrected. Refer to Prong 2.	
Student File #20: The reevaluation did not include/pull forward evaluation in the area of articulation to support the need for service.	Individual correction on noncompliance cannot be corrected. Refer to Prong 2.	
Student File #22: Prior notice/consent for reevaluation did not include/pull forward data to support orthopedic/medical diagnosis.	Individual correction on noncompliance cannot be corrected. Refer to Prong 2.	

There was no consent for audiological evaluation conducted.	
Student File #23: Did not pull forward the Autism diagnosis on the prior notice as part of the January 2011 reevaluation.	Individual correction on noncompliance cannot be corrected. Refer to Prong 2.
Student File #27: An articulation evaluation was conducted without parent consent.	Individual correction on noncompliance cannot be corrected. Refer to Prong 2.
Student File #28: A sensory and hearing evaluation was conducted without parent consent.	Individual correction on noncompliance cannot be corrected. Refer to Prong 2.
Timeline for Completion: December 1, 2011	

3. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR

ARSD 24:05:27:01.03. Content of individualized education program. Each student's individualized education program shall include:

- (1) A statement of the student's present levels of academic achievement and functional performance, including:
 - (a) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or
 - (b) For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;
- (2) A statement of measurable annual goals, including academic and functional goals, designed to:
 - (a) Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and
 - (b) Meet each of the student's other educational needs that result from the student's disability;

Corrective Action:

Prong 1: Correct each individual case of noncompliance		
Student programs were not developed to provide educational benefit. Goals/services were not consistently included in the IEP for each eligible area of disability.		
Student:	Required Action:	Data To Be Submitted:
Student File #3: This student was determined eligible under the category of specific learning disability. In the area of oral expression, the student met the regression score needed to meet the first prong of eligibility. There was no skill based assessment conducted in this area and services were not addressed in the students program.	Student File #3: The district must initiate prior notice/consent to conduct skill based assessment in the area of oral expression, develop a report to include strengths and needs, and hold an IEP meeting to amend the IEP present levels and develop annual goal if appropriate.	Student File #3: Copies of all documentation supporting the IEP team's decision and amendments.

Student File #5: This student was eligible under the category of Speech/language in the area of articulation. Articulation was not addressed in the student's program.	Student File #5: IEP team must meet and amend the students program to address the need for articulation services.	Student File #5: Copies of all documentation supporting the IEP team's decision and amendments.
Student File #15: The team determined this student eligible under the multiple disability categories. Refer to General Supervision #1 above.	Student File #15: Refer to General Supervision #1 above for this student.	Student File #15: Refer to General Supervision #1 above.
Student File #16: This student was determined eligible under the category of multiple disabilities. Based upon the team's decision and process implemented for this student under General Supervision #1, a program must be developed to address the student's disabilities and educational/adaptive/related service needs.	Student File #16: Refer to General Supervision #1 above for this student.	Student File #16: Copies of all documentation supporting the IEP team's decision and amendments to the students IEP and services to be provided.
Student File #19: This student was determined eligible under the category of specific learning disability in math. There was no skill based assessment in the area of math, the math goal was not measurable and the services to be provided did not address the student specialized instruction in the area of math.	Student File #19: Refer to General Supervision #1 above for this student.	Student File #19: Refer to General Supervision #1 above for this student.
Student File #31: This student was determined eligible under the category of developmental delay. The eligible areas/scores which met the first prong of eligibility included receptive language and gross motor. These areas were not addressed in the students' IEP.	Student File #31: The district must initiate prior notice/consent to conduct skill based assessment in the area of receptive language and gross motor skill, develop a report to include strengths and needs, and hold an IEP meeting to amend the IEP present levels and develop annual goal if appropriate.	Student File #31: Copies of all documentation supporting the IEP team's decision and amendments.
Student File #32: This student was determined eligible under the category of specific learning disability. In the area of oral expression, the student met the regression score needed to meet the first prong of eligibility. There was no skill based assessment conducted in this area and services were not addressed in the students program.	Student File #32: The district must initiate prior notice/consent to conduct skill based assessment in the area of oral expression, develop a report to include strengths and needs, and hold an IEP meeting to amend the IEP present levels and develop annual goal if appropriate.	Student File #32: Copies of all documentation supporting the IEP team's decision and amendments.
Timeline for Completion: December 1, 2011		

Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of <u>updated data</u>.
<p>Required Action:</p> <p>The district must review and update its policy, procedure and practice regarding the following:</p> <ul style="list-style-type: none"> • Defining who and what information must be gathered as part of the district informal review following an initial evaluation. • Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability. • Individuals responsible for the completion of prior notice/consent and evaluations needed for the purpose of determining eligibility. • Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment. • Determining eligibility and completing the eligibility document. • Developing an IEP that provides educational benefit. <p>The district will receive technical assistance regarding these issues. The training date, provider and participants will be documented and submitted to the team leader in support of verifying correction through updated data.</p>
<p>Data To Be Submitted:</p> <p>Each special education teachers, early childhood teacher and speech pathologist will submit for <u>one student who has been initially evaluated or reevaluated</u> during the since the on-site review date a copy of the following:</p> <ol style="list-style-type: none"> 1. Referral document (if applicable) 2. The prior notice/consent for evaluation 3. Copies of <u>all</u> the evaluation reports including skill based assessment and transition 4. Copy of the prior notice for the eligibility/IEP meeting, 5. Copy of the MDT/eligibility document and; 6. Copy of the IEP <p>NOTE: A copy of the updated policy, procedure and practice that addressed correction to the General Supervision # 1, 2 and 3 is to be submitted to verify correction through updated data.</p>
Target Date for Completion: May 1, 2012
All non-compliance must be corrected within 1 year of this report date.
<p>Date:</p> <p>Status Report:</p>

Indicator 2 – Dropout Rate

Percent of youth with IEP's dropping out of high school.

District Policy, Procedure and Practice:

The district works with the family and student who is at risk or has considered dropping out of school to build a schedule/program designed for success. Students at risk of being a non-completer are offered credit recovery, flexible schedules to address missing coursework, and in general provide an open and accepting culture where students know they can start over at any time. Students returning in their fifth year, or more, are welcomed and desired within the school setting. Frequent communication with the parent/adult student is part of the approach to keeping students engaged. The district also works with outside staff, such as counselors, Vocational Rehabilitation and Department of Corrections to ensure all team members are informed and working towards the same goals for the student.

In the middle school, the approach for student success is based on the premise of the book, "Power of ICU", whereby no one is allowed to fail. Students are given much oversight, and opportunities to successfully complete their work. No one receives a zero for late work; however, no one is excused from completing their work. Staff will maintain comprehensive lists, placed on Google docs, which allow each team to track students, and their progress. Team meetings are held daily and the focus of each team meeting is students' progress. Parent communication is facilitated with online Parent Portal; team homework pages updated daily and frequent email and phone conversations.

Indicator 3 – Participation/Performance on Assessment

A-Percent of districts meeting the State's AYP objectives for progress for disability subgroup

B -Participation rate for children with IEP's in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.

C-Proficiency rate for children with IEP's against grade level standards and alternate achievement standards.

District Policy, Procedure and Practice:

Reading K-8

District Rate: _____ 42.21% _____

District Response: All special education staff will participate in a one day training, reviewing our current intervention series, as well as undergo in-service on good reading techniques, current research and data progress monitoring for the area of reading. A workgroup is being formed for this year comprised of special education teaching staff to review our current curriculum and make recommendations/potential revisions to the intervention series to affect student's rate of progress to a higher degree.

Grades 9-12

District Rate: _____ 25% _____

District Response: All special education staff will participate in day long training, reviewing our current intervention series, as well as undergo in-service on good reading techniques, current research and data progress monitoring for the area of reading. A workgroup is being formed for this year comprised of special education teaching staff to review our current curriculum and make recommendations/potential revisions to the intervention series to affect student's rate of progress to a higher degree.